

Attorney Docket No.: 01CON346P  
Serial No.: 09/761,033

### REMARKS

This is in response to the *Non-Final* Office Action, dated March 17, 2006, where the Examiner has rejected claims 28-29, 31-32, 38-39 and 41-42, and has objected to claims 33-35 and 43-45. By the present amendment, claims 33 and 43 have been cancelled, claims 28, 34, 35, 38, 44 and 45 have been amended, and new claims 50-54 have been added. After the present amendment, claims 28-29, 31-32, 34-35, 38-39, 41-42, 44-45 and 48-54 are pending in the present application. Reconsideration and allowance of pending claims 28-29, 31-32, 34-35, 38-39, 41-42, 44-45 and 48-54 in view of the following remarks are respectfully requested.

**A. Rejection of Claims 28-29, 31-32, 38-39, 41-42, 48-49 under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 28-29, 31-32, 38-39, 41-42 and 48-49, under 35 U.S.C. § 103(a), as being unpatentable over Funaki (USPN 6,006,177) ("Funaki") in view of Yamaura, et al. (USPN 5,724,480) ("Yamaura").

Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended independent claim 28 to include all of the limitations of claims 33. Applicant respectfully submits that claim 28, as amended, is now in condition for allowance at least based on the Examiner's statement that claim 33 would be allowed if rewritten in independent form. Similarly, applicant has amended independent claim 38 to include all of the limitations of claims 43. Applicant respectfully submits that claim 38, as amended, is now in condition for allowance at least based on the Examiner's statement that claim 43 would be allowed if rewritten in independent form.

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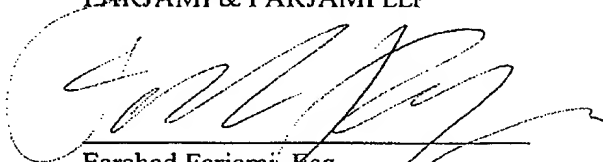
Further, claims 29, 31-32, 34-35 and 48 depend from claim 28, and claims 39, 41-42, 44-45 and 49 depend from claim 38, and they should also be allowed at least for the same reasons claims 28 and 38, as amended, are in condition for allowance.

**B. New Claims 50-54**

By the present amendment, applicant has added new independent claim 50, which in part recites "determining information of lag and gain from said previous subframe; scaling said information to generate a scaled information of said previous subframe; and applying said scaled information of said previous subframe to a current excitation signal for a current subframe to enhance data used to code said current excitation signal for said current subframe." Applicant respectfully submits that the cited references fail to disclose the above-recited elements of claim 50. For example, Funaki fails to disclose, teach or suggest determining information of lag and gain from the previous subframe; scaling the information to generate a scaled information of the previous subframe; and applying the scaled information of the previous subframe to a current excitation signal for a current subframe to enhance data used to code the current excitation signal for the current subframe. In addition, the cited references fail to disclose, teach or suggest the elements of dependent claims 51-54. Applicant respectfully submits that claims 50-54 are at least supported by the written description of the present application at page 6, lines 1-13. Accordingly, claims 50-54 should also be allowed.

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For all the foregoing reasons, an early allowance of claims 28-29, 31-32, 34-35, 38-39, 41-42, 44-45 and 48-54 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;  
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Date

April 27, 2006.

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